IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5287 of 2006

Dated: March 18, 2006

Between:

P.V. Kumar, E.98235, Driver,

S/o. Sanjeeva Rao, aged about 51 years,

R/o. Bhadrachalam, Khammam District.

… Petitioner

And

The Depot Manager, APSRTC,

Kothagudem Depot, Khammam District.

… Respondent

Order:

The petitioner, a driver in the A.P. State Road Transport Corporation, attached to Kothagudem Depot, Khammam District, has filed this Writ Petition questioning the validity of the award of the Industrial Tribunal-cum-Labour Court, passed in I.D.No.103/94 dated
24-11-1997.

2. Petitioner states that while he was driving the bus on the route Manuguru-Hyderabad, he noticed a lorry with wide load coming in the opposite direction and averted accident by taking to the extreme left side of the road. It is the case of the petitioner that in spite of the same, the lorry rubbed the side of the bus, resulting in breakage of vision mirror. It is stated that one of the passengers travelling at that time, gave a complaint stating that the petitioner was driving the vehicle in an intoxicated condition. Thereafter, preliminary enquiry was conducted and on the basis of which, a charge sheet dated 15-03-1994 was issued to the petitioner farming certain charges and he was placed under suspension with effect from 18-03-1994. It is further stated that on the basis of the findings of the enquiry officer, a show cause notice of removal from service dated 06-07-1994 was issued to the petitioner, to which, petitioner is said to have submitted his explanation. Thereafter, petitioner was removed from service by proceedings dated 22-07-1994.

3. Questioning his removal from service, petitioner raised an industrial dispute before the Labour Court in I.D.No.103 of 1994 under Section 2-A (2) of the Industrial Disputes Act, 1947 ('the Act' for brevity). After necessary enquiry, an award was passed by the Labour Court as early as on 24-11-1997, wherein the order of removal of petitioner from service was set aside and reemployment of the petitioner into service as a 'Fresh Driver' without backwages was ordered without continuity of service or any attendant benefits.

4. However, the present Writ Petition has been filing questioning the said award on various grounds in 2006, i.e. nearly after 9 years. Even from the affidavit filed in support of the Writ Petition, no reason whatsoever has been assigned for the abnormal delay and laches on the part of the petitioner in approaching this Court. Though the petitioner has questioned the award of the Labour Court, on various grounds, in the absence of any reason to explain the inordinate delay and latches on the part of the petitioner in approaching this Court, I do not find any valid ground to

allow the Writ Petition and grant the relief as prayed for, at this stage.

5. The Writ Petition is liable to be dismissed and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

March 18, 2006

MRR